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 5 *Attorney for Debtor*

6  
 7 E-Filed on: June 6, 2016

8  
 9 **UNITED STATES BANKRUPTCY COURT**  
 10 **FOR THE DISTRICT OF NEVADA**

11  
 12 In re:  
 13 JEFFERY M. MILLER a/k/a JEFF M. MILLER,  
 14 Debtors.

15 Case No: 14-17352  
 16 Chapter 7  
 17 Judge: Hon. Laurel E. Davis  
 18 Trustee Lenard E. Schwartzer

19 **EX-PARTE MOTION TO REOPEN CLOSED CHAPTER 7 BANKRUPTCY CASE**

20 **TO ADMINISTER AN OMITTED ASSET**

21 The above-captioned Debtor, JEFF M. MILLER a/k/a JEFF M. MILLER ("Debtor"),  
 22 through counsel William Devine II of Devine Law Firm PLLC ("Counsel"), hereby submits  
 23 this Ex-Parte Motion to Reopen Chapter 7 Bankruptcy Case to Administer Omitted An  
 24 Asset. During Debtor's Chapter 7 bankruptcy case, as an oversight, Debtor omitted a  
 25 federal lawsuit due to his belief that the case had been lost and was not an asset. The  
 26 case was appealed by his attorneys on behalf of all Plaintiffs and due to recent decisions  
 27 issued after Debtor's bankruptcy case was closed, the case may result in a potential  
 28 recovery. Debtor wishes to ensure that the appointed bankruptcy Trustee is able to  
 administer this asset such that a portion of the potential recovery may be used to pay  
 some of Debtor's creditors, and thus request that their case be reopened for that  
 purpose. This also requires that the previously appointed Trustee be re-appointed for this  
 case due to the potential recovery of up to \$100,000.00 of which 25% of that would be  
 non-exempt to be used by the Trustee to pay to creditors.

29 The case is an unpaid wage claim against Wynn Las Vegas, LLC of which the  
 30 9<sup>th</sup> Circuit Court of Appeals reversed the US. District Court's decision that previously  
 31 allowed Wynn Las Vegas to pool its dealers' tips and distribute them among other  
 32 employees.

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1 Therefore, Debtor requests that this Court reopen his Chapter 7 bankruptcy case  
2 such that he may file an amended Schedule B, Schedule C, and Statement of Financial  
3 Affairs.

4  
5 Dated this 6th day of June, 2016.

6  
7 Respectfully Submitted by,  
8 **DEVINE LAW FIRM, PLLC**

9 */s/ William Devine, II*

10 William C. Devine, II, Esq.  
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14 *Attorney for Debtor*  
15 *Jeffrey M. Miller*

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# Exhibit “1”

## Example Draft of Order

DEVINE LAW FIRM, PLLC  
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## **EXAMPLE OF ORDER**

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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA

In re:  
JEFFERY M. MILLER a/k/a JEFF M. MILLER,  
Debtors.

Case No: 14-17352-led  
Chapter 7  
Judge: Hon. Laurel E. Davis  
Trustee Lenard E. Schwartzzen

**ORDER GRANTING EX-PARTE MOTION TO REOPEN CLOSED CHAPTER 7 BANKRUPTCY**

## CASE TO ADMINISTER AN OMITTED ASSET

The above matter having come before this Court on Debtor's Ex-Parte Motion to Reopen Chapter 7 Bankruptcy Case to Administer an Omitted Asset, Debtor having paid the fee for reopening the case upon filing of their Motion, with good cause appearing:

**IT IS HEREBY ORDERED ADJUDGED, AND DECREED** that Debtor's Ex-Parte Motion to reopen this closed Chapter 7 case is granted for the purposes ordered below.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Debtor shall be permitted to file his Amended Schedules, Amended Statement of Financial Affairs, and that the Debtor, Trustee, Creditors, and any party in interest be allowed to participate in this case as needed for the Trustee to administer the estate, including the omitted asset described in the Ex-Parte Motion.

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Henderson, Nevada 89074

1 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that if this Court deems  
2 necessary under the circumstances, a case trustee may be reappointed upon the  
3 reopening of this case.

4  
5 Dated this 6th day of June, 2016.  
6  
7

Respectfully Submitted by,  
**DEVINE LAW FIRM, PLLC**

*/s/ William Devine, II*

William C. Devine, II, Esq.  
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10 *Attorney for Debtor*

11 *Jeffrey M. Miller*

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